



Defendant has not responded to Plaintiffs' motion to strike and has offered no explanation for its failure to timely identify these witnesses. Consequently, the motion to strike will be granted.

Accordingly,

**IT IS ORDERED** that Plaintiffs' Motion to Strike Witnesses ([filing 92](#)) is granted. Defendant is hereby precluded from using any testimony or evidence from Mrs. Leon A. Johnson, Kristen Nazar, John Sterling, William McMurtry, Jack Wolfe, Ozzie Romero, and Scott Philippe at the trial of this case.

**DATED May 29, 2013.**

**BY THE COURT:**

**S/ F.A. Gossett  
United States Magistrate Judge**